



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-37**

September 26, 2002

Ms. Kristine Nippert
Kristine Nippert Revocable Trust
15 Wold Brook Dr
Windham, ME 04062

RE: DES Wetlands File #2002-01644 177 East Shore Rd, Madison

Dear Ms. Nippert:

On August 27, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Madison Tax Map 19 as Lot 18 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

- Approximately 144 square feet of fill was placed in Silver Lake, below the normal high water mark, (466 feet above sea-level as measured for Silver Lake, Madison, NH), to construct a perched beach with approximate dimensions of 8 feet 6 inches by 18 feet.
- 2. Approximately 30 linear feet of retaining wall was constructed below normal high water to contain fill for the construction of the perched beach.
- 3 A jetty, measuring approximately 9 feet in length was constructed in the lake adjacent to the perched beach.

In response, you are requested to take the following actions:

1. Within 60 days of receipt of this Letter of Deficiency, submit a plan to DES for review and approval. Have the plan prepared by a certified wetland scientist or environmental engineer and include provisions for removal of the approximately 144 square feet of fill, the retaining walls and jetty placed below normal high water on the Property. Submit the following with the plan:

- a. A plan with dimensions, drawn to scale, showing:
 - 1. Existing conditions, to include all structures along the frontage, the normal high water mark and the 20 foot setback from property lines; and
 - 2. Proposed conditions after reestablishing the jurisdictional areas, to mean removal of the fill, retaining walls and jetty, placed within Silver Lake;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

2. Retain a qualified wetland scientist or environmental engineer to supervise the implementation of the plan and to submit the progress report.
3. Implement the plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Enforcement Investigator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9682

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Mark Harbaugh, DES Enforcement Attorney
Madison Conservation Commission
Madison Board of Selectmen
David Killoy, USACO